

SECOND REGULAR SESSION

SENATE BILL NO. 859

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR RUPP.

Pre-filed December 1, 2007, and ordered printed.

TERRY L. SPIELER, Secretary.

3498S.01I

AN ACT

To amend chapter 354, RSMo, by adding thereto three new sections relating to the issuance of high deductible health plans by health maintenance organizations.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 354, RSMo, is amended by adding thereto three new sections, to be known as sections 354.432, 354.433, and 354.434, to read as follows:

354.432. 1. Notwithstanding section 354.430, or any other provision of the law to the contrary, a health maintenance organization, as defined in section 354.400, may offer high deductible health plans provided such high deductible health plans are combined with health savings accounts as described in the Medicare Reform Act, P.L. No. 108-173, Title XII, Section 1201 and each such health savings account receives sufficient deposits so that the balance in such account at least once during the term of the annual deductible equals or exceeds the annual deductible amount for the high-deductible health plan with which it is affiliated. Nothing in this section shall relieve or be construed as exempting a health maintenance organization from providing or covering the various mandated health insurance benefits required by chapter 376, RSMo. Coverage and benefits provided by policies issued under this section for the various mandated health insurance benefits required by chapter 376, RSMo, shall be subject to the dollar limits and copayments as prescribed in chapter 376, RSMo.

2. Any health maintenance organization that issues a high deductible health plan described in subsection 1 of this section shall be taxed at a rate of two percent on premiums received from high deductible health plans in the same manner as life and health insurance companies are taxed under chapter 148, RSMo; however, any

22 amounts derived from such tax that would be deposited in the general
23 revenue account shall be deposited in the part C early intervention
24 system fund established in section 160.925, RSMo.

25 3. As used in this section, the following terms shall mean:

26 (1) "Health savings account" or "account", shall have the same
27 meaning ascribed to it as in 26 U.S.C. Section 223(d), as amended;

28 (2) "High deductible health plan", a policy or contract of health
29 insurance or health care plan that meets the criteria established in 26
30 U.S.C. Section 223(c)(2), as amended, and any regulations promulgated
31 thereunder.

354.433. The department of insurance, financial institutions and
2 professional registration shall be authorized to assess by random
3 investigation and audit whether the high-deductible health plan or
4 plans offered by a health maintenance organization pursuant to section
5 354.432, and regulations promulgated and the health savings accounts
6 with which they are affiliated, comply with the requirements of said
7 section and regulations. Nothing in this section shall be construed to
8 authorize or permit the public disclosure of individual account
9 balances in such health savings accounts and the confidentiality of
10 such information shall be maintained in accordance with state and
11 federal law. A pattern of substantial noncompliance with the
12 requirements of section 354.432 shall be grounds for the department to
13 revoke or suspend the authority of the health maintenance
14 organization to offer or continue to offer such high-deductible policies
15 of coverage.

354.434. The rates of payment included in a contract between a
2 health maintenance organization and a provider that was entered into
3 prior to August 28, 2008 shall not apply to enrollees who purchase
4 coverage from the health maintenance organization effective on or
5 after August 28, 2008 if that coverage has an enrollee deductible or
6 coinsurance obligation that is higher than was authorized by law or
7 regulation immediately prior to August 28, 2008. The rates of payment
8 for such enrollees shall be determined by contractual terms established
9 by negotiation between the health maintenance organization and
10 providers.